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| APPLICATION NO.                                                                | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
|--------------------------------------------------------------------------------|-------------|----------------------|------------------------------|------------------------|
| 10/043,357                                                                     | 01/09/2002  | Jennifer Kellam      | ARIBP064                     | 6337                   |
| 21912                                                                          | 7590        | 07/05/2007           |                              |                        |
| VAN PELT, YI & JAMES LLP<br>10050 N. FOOTHILL BLVD #200<br>CUPERTINO, CA 95014 |             |                      | EXAMINER<br>ONYEZIA, CHUKS N |                        |
|                                                                                |             |                      | ART UNIT<br>3692             | PAPER NUMBER           |
|                                                                                |             |                      | MAIL DATE<br>07/05/2007      | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                                |                               |  |
|------------------------------|--------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/043,357  | Applicant(s)<br>KELLAM ET AL. |  |
|                              | Examiner<br>Chuks Onyezia Esq. | Art Unit<br>3692              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.  
2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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DETAILED ACTION

*Response to Amendment*

1. Applicants' amendment and arguments filed on May 07, 2007 have been fully considered, and discussed below. It is noted that applicant has amended the following claims: 1, 12, 13, and 22-30. Therefore, claims 1-30 are pending and currently considered for examination.

*Claim Rejections - 35 USC § 101*

2. Applicant's amendments, see claims 22-30, filed 05/07/2007, with respect to a 101 rejection have been fully considered and are persuasive. The 101 rejections of claims 22-30 have been withdrawn.

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*Claim Rejections - 35 USC § 102*

3. Claims 1-30 rejected under 35 U.S.C. 102(e) as being anticipated by Blalock et al. U.S. Application No. 09/775,265.

4. As per claim 1, Blalock teaches a method of bidding to drive competition in an auction comprising:

a. Receiving a plurality of bids from a plurality of bidders (Blalock paragraph[0059], each carrier can submit its bids, lane by lane, through the web site interface)

b. distinguishing the bidders according to a subset of a parameter (Blalock paragraph[0144], there are one or more matrices which display the lowest rate-per-mile bids submitted by zone)

c. assigning at least one identifier to the bidders in each subset (Blalock paragraph[0145], it can be seen that state or regional codes are used to identify both the rows (origin) and the columns (destination) that comprise the matrix . . . a shipper can view the lowest mileage rate for a particular transportation zone as determined through bidding by participating carriers); the subset associated with the identifier being unknown to one or more of the bidders outside of the subset but known to one or more of the bidders within the subset (Blalock paragraph[0061], a shipper may choose not to allow carriers to view

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information associated with other carrier bids, or the shipper may choose to post bids "publicly" via the web site to create a dynamic bidding process) examiner interprets that if a shipper can choose to limit a carrier from viewing bid information then it is implied that other, non selected, carriers would be able to view this information; and

d. displaying a lowest bid with the identifier for each bidder (Blalock paragraph[0140], data columns provide specific information about the bids that have been submitted with respect to the various accessorials listed in the table . . . the "Min" is the minimum bid; Blalock paragraph[0144], there are one or more matrices which display the lowest rate-per-mile bids submitted by zone)

1. Claims 12, 13, and 22 are rejected using logic similar to that used above to reject claim 1.
2. As per claims 2-11, 14-21, and 23-30, examiner maintains the rejections as detailed in previous office action.

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*Response to Arguments*

3. Applicant's arguments filed 05/07/2007 have been fully considered but they are not persuasive.

4. Applicant argues in substance that:

Blalock does not teach an identifier being unknown to one or more of the bidders outside of the subset but known to one or more of the bidders within the subset.

In response to the above argument:

Blalock, in paragraph[0061], does teach the above limitation. examiner interprets that if a shipper can choose to limit a carrier from viewing bid information then it is implied that other, non selected, carriers would be able to view this information.

*Conclusion*

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuks Onyezia Esq. whose telephone number is 571-270-1372. The examiner can normally be reached on Monday - Thursday 9am-5pm.

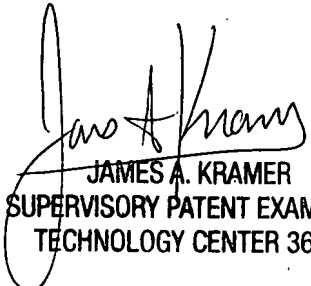
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kramer James can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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C. Onyezia 06/14/2007

 6/25/07  
JAMES A. KRAMER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600